



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 15 2017

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL 7009 1680 0000 7642 3014**  
**RETURN RECEIPT REQUESTED**

Ms. Rachel Bessette  
EHS Manager  
Carboline Company  
614 Elizabeth Street  
Green Bay, Wisconsin 54302

Re: Notice of Violation  
Compliance Evaluation Inspection  
WID 006 130 405

Dear Ms. Bessette:

On February 1, 2017, representatives of the U.S. Environmental Protection Agency and Wisconsin Department of Natural Resources inspected the Carboline Company located in Green Bay, Wisconsin (hereinafter "Carboline," "facility," or "you"). As a large quantity generator of hazardous waste, Carboline is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* ("RCRA"). The purpose of the inspection was to evaluate Carboline's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by Carboline, EPA's review of records pertaining to Carboline, and the inspector's observations, EPA has determined that Carboline has unlawfully stored hazardous waste without a license or interim status as a result of Carboline's violation of certain requirements for a license exemption under Wis. Admin. Code § NR 662.034(1)-(3). EPA has identified the license exemption requirements violated by Carboline in paragraphs 1 – 3, below.

**STORAGE OF HAZARDOUS WASTE WITHOUT A LICENSE OR INTERIM STATUS**

At the time of the inspection, Carboline violated the following large quantity generator license exemption requirements:

1. Hazardous Waste Container Dating and Labeling

Under Wis. Admin. Code §§ NR 662.034(1)(b) and (c) [40 C.F.R. §§ 262.34(a)(2) and (3)], a large quantity generator storing hazardous waste in containers must mark on each

container the date upon which each period of accumulation begins. The date on each container must be visible for inspection. Furthermore, each container storing hazardous waste must be labeled or marked clearly with the words, "Hazardous Waste."

At the time of the inspection, Carboline maintained a less than 90-day hazardous waste storage area in the southwest corner of its pigment storage warehouse. Fifty-five gallon drums storing hazardous waste were stacked on pallets in the area and stored closely together. Because Carboline had placed labels on the top lids of its 55-gallon drums, the labels and dates of the majority of the hazardous waste containers in the area were not readily visible for inspection. Carboline, therefore, violated this license exemption requirement.

## 2. Required Aisle Space

Under Wis. Admin. Code §§ NR 662.034(1)(d) and 665.0035 [40 C.F.R. §§ 262.34(a)(4); 265.52(e)], a large quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.

At the time of inspection, Carboline maintained a less than 90-day hazardous waste storage area in the southwest corner of its pigment storage warehouse. Fifty-five gallon drums storing hazardous waste were stacked on pallets in the area and stored closely together. The storage configuration made it difficult to inspect the hazardous waste drums and would likely obstruct the movement and effectiveness of fire protection, spill control, and decontamination equipment in the event of an emergency. Carboline, therefore, violated this license exemption requirement.

## 3. Satellite Accumulation Container Management

Under Wis. Admin. Code §§ NR 662.0034(3)(a)(1) and (2) [40 C.F.R. §§ 262.34(c)(1)(i) and (ii); 265.173(a)], a generator may accumulate as much as 55 gallons of hazardous waste in containers ("satellite containers") at or near the point of waste generation which are under the control of the operator of the process generating the waste without a license or interim status, as long as the container is closed except when necessary to add or remove waste. Furthermore, the satellite containers must be marked with the words "Hazardous Waste" or with other words that identify the contents of the containers.

At the time of the inspection, Carboline was accumulating hazardous waste in five-gallon bucket satellite containers in its peroxide mixing room. There were four closed buckets in the designated satellite accumulation area but only two had labels specifying their contents. Additionally, Carboline was accumulating waste solvent in a small red container in a test spray room in its quality control laboratory. At the time of the inspection, this container was open when waste was not being added or removed.

Photographs provided later on the day of inspection indicated that the buckets in the peroxide mixing room had been labeled and the small container in the quality control laboratory had been closed. Thus, no further action is necessary to comply with this license exemption requirement.

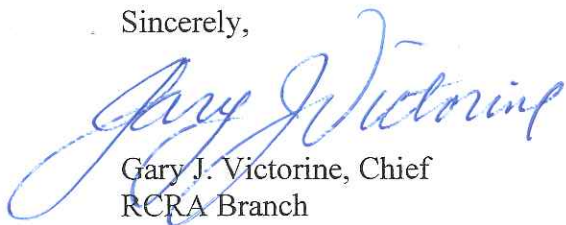
**Summary:** By violating the requirements for a license exemption, above, Carboline became an operator of a hazardous waste storage facility and was required to obtain a Wisconsin hazardous waste storage license. Carboline failed to apply for such a license. Carboline's failure to apply for and obtain a hazardous waste storage license violated the requirements of Wis. Admin. Code §§ NR 680.30, 680.31, and 680.32 [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)].

At this time, EPA is not requiring Carboline to apply for a Wisconsin hazardous waste storage license so long as it immediately establishes compliance with the requirements for a license exemption outlined in paragraphs 1 and 2, above.

According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order, or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, which you have taken to establish compliance with the above license exemption requirements. You should submit your response to Mr. Brian Kennedy, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-17J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Mr. Kennedy, of my staff, at (312) 353-4383 or at [kennedy.brian@epa.gov](mailto:kennedy.brian@epa.gov).

Sincerely,



Gary J. Victorine, Chief  
RCRA Branch

Enclosure

cc: Dong-Son Pham, WDNR, [dongson.pham@wisconsin.gov](mailto:dongson.pham@wisconsin.gov)  
Michael Ellenbecker, WDNR, [michael.ellenbecker@wisconsin.gov](mailto:michael.ellenbecker@wisconsin.gov)